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8 and

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15 Deutsche Bank National Trust Company, as Trustee for Morgan Stanley ABS Capital I Inc. Trust 2006-
16 HE4

17 08-71373

18 **UNITED STATES BANKRUPTCY COURT**
SOUTHERN DISTRICT OF NEVADA

19 In Re:

20 Ronald Williams and Adrienne Williams

21 Debtors

08-11871-lbr

MS Motion No.

Date:

Time:

Chapter 13

22 **DECLARATION RE BREACH OF CONDITION**

23 STATE OF SC)

)ss.

24 COUNTY OF York Clark)

25 I, Teressa J. Williams declare and state:

26 1. As to the following facts, I know them to be true of my personal knowledge, and if called
upon to testify in this action, I could and would testify competently thereto.

1 2. I am an employee of Deutsche Bank National Trust Company, as Trustee for Morgan
 2 Stanley ABS Capital I Inc. Trust 2006-HE4, Secured Creditor herein, and am most familiar with the loan
 3 and the ongoing litigation.

4 3. The real property subject to the Trust Deed is commonly described as 3757 Tiffin Ct., Las
 5 Vegas, NV 89129 and legally described as follows:

6 Parcel One:

7 Lot 160 in Block 5 of Cimarron Village - Unit 3, as shown by map thereof on file in Book 68 of
 Plats, Page 39 in the Office of the County Recorder of Clark County, Nevada.

8 Parcel Two:

9 A non-exclusive easement appurtenant to Parcel One (1) of Ingress and Egress and of enjoyment in,
 10 to and over Association Property and Common Elements as set forth in the Declaration of
 11 Covenants, Conditions and Restrictions and Grant of Easements for Cimarron Gowan Maintenance
 12 Area. Cimarron Meadows, Cimarron Village and Copperhead recorded June 27, 1994 as
 13 Instrument/File No. 01014 in Book 940627 and re-recorded August 16, 1994 as Instrument/File No.
 14 00028 in Book 940816 as the same may from time to time be amended and/or supplemented, all in
 15 the Office of the County Recorder, Clark County, Nevada.

16 4. I have examined the document entitled "Order Regarding Adequate Protection", a copy of
 17 which is attached hereto and marked as Exhibit "A" and incorporated herein by this reference, and am
 18 representing my personal knowledge as to whether the Debtors have complied with the requirements of said
 19 Order.

20 5. Pursuant to the aforementioned Order, the Debtors would have fifteen (15) days from the
 21 date of this Declaration in which to cure the delinquencies due. If upon the 16th day, Debtors has failed to
 22 so cure those delinquencies, the automatic Stay Order would be vacated and extinguished as to this Secured
 23 Creditor.

24 6. As of the date of this Declaration, the Debtors have not made the payments as required by
 25 the aforementioned Order. The Debtors are presently past due as follows:

26 3 Monthly Payments at \$1,711.10	\$5,133.30
(May 1, 2010 - July 1, 2010)	
2 Late Charges at \$75.98	\$151.96
(May 1, 2010 - June 1, 2010)	
Total	\$5,285.26

27 7. Debtors are responsible for the subsequent payments that will come due during this
 28 Breach period:

- a. 0 Monthly Payments at \$1,711.10
- b. 6 Stipulated payments at \$797.71

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2 **PARTIAL TENDERS WILL NOT BE ACCEPTED**

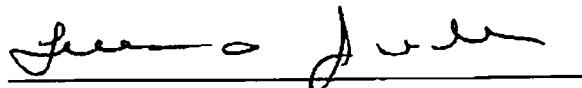
3 8. Due to Debtor's failure to timely and properly comply with the Order as set forth
hereinabove, Secured Creditor has been forced to incur additionally attorneys' fees to obtain relief from the
4 Stay Order to take possession of its real property.

5 9. These attorneys' fees are in addition to attorneys' fees incurred prior to the non-compliance
and are now owing to Secured Creditor from Debtors pursuant to the Trust Deed.

6 10. Should the Debtor cure the default, the Debtors must forward the funds to:

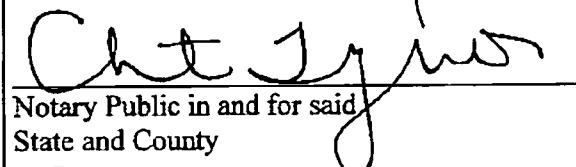
7
8 **GREGORY L. WILDE, ESQ.**
9 **WILDE & ASSOCIATES**
10 **212 South Jones Boulevard**
11 **Las Vegas, Nevada 89107**

12 I declare under penalty of perjury that the foregoing is true and correct.

13 

14 Teressa J. Williams
15 Assistant Secretary

16 SUBSCRIBED and SWEORN to before me
17 this 7 day of July, 2010

18 
19 Notary Public in and for said
State and County

20 
Sc

21 CHRISTINA THAYNICK
22 Notary Public, South Carolina
23 My Commission Expires
24 April 17, 2017

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12/30/2009



Case 08-11871-lbr Doc 54 Entered 02/08/10 11:41:55 Page 1 of 3
2588787 Page: 1/3 Date: 1/22/2010 4:49:21 PM

(FAX) 7028882526

P.002/004

1 Electronically
2

Entered on Docket
February 08, 2010

3 Hon. Linda B. Riegle
United States Bankruptcy Judge

Ri Bi

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6

7

8 WILDE & ASSOCIATES

9 Gregory L. Wilde, Esq.
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12 America's Servicing Company
13 08-71373 / 1127074672

14 UNITED STATES BANKRUPTCY COURT
15 DISTRICT OF NEVADA

16

17 In Re:

18 Ronald Williams and Adrienne Williams

BK-S-08-11871-lbr

MS Motion No.

Date: December 30, 2009
Time: 10:00 a.m.

Chapter 13

21 Debtors.

23 **ORDER RE ADEQUATE PROTECTION**

24 Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the
25 above-entitled Court, all appearances as noted on court record, and based upon all the papers and
26 pleadings on file herein and good cause appearing therefor,

EXHIBIT "A"

12/30/2008 20:27 newark and newark

(FAX)7028882525

P.003/004

1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtor will cure the post-
 2 petition arrearages currently due as follows:

3 Monthly Payments at \$1,711.10 (October 1, 2009-December 1, 2009)	\$5,133.30
4 3 Late charges at \$75.98 (October 16, 2009 – December 16, 2009)	\$ 227.94
5 Motion Filing Fee	\$ 150.00
6 Attorneys Fees	\$ 750.00
7 Less suspense	- (\$1,474.99)
Total Arrearages	\$4,786.25

8 The above arrearage shall be paid in five (5) monthly installments of \$797.71. These payments
 9 shall be in addition to the regular monthly payment and shall be due on or before the 20th day of the month
 10 commencing with the January 20, 2010 with the final payment in the amount of \$797.70 shall be due on or
 11 before June 20, 2010.

12 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give
 13 Debtors at least five business days' notice of the time, place and date of sale.

14 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtor shall resume and
 15 maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan, beginning
 16 with the January 1, 2010 payment, on Secured Creditor's Trust obligation, encumbering the subject
 17 Property, generally described as 3757 Tiffin Ct., Las Vegas, NV 89129, and legally described as follows:

18 Parcel One:
 19 Lot 160 in Block 5 of Cimarron Village - Unit 3, as shown by map thereof on file in Book
 68 of Plats, Page 39 in the Office of the County Recorder of Clark County, Nevada.

20 Parcel Two:
 21 A non-exclusive easement appurtenant to Parcel One (1) of Ingress and Egress and of
 22 enjoyment in, to and over Association Property and Common Elements as set forth in the Declaration of
 23 Covenants, Conditions and Restrictions and Grant of Easements for
 24 Cimarron Gowan Maintenance Area, Cimarron Meadows, Cimarron Village and
 Copperhead recorded June 27, 1994 as Instrument/File No. 01014 in Book 940627 and
 re-recorded August 16, 1994 as Instrument/File No. 00028 in Book 940816 as the same
 may from time to time be amended and/or supplemented, all in the Office of the County
 Recorder, Clark County, Nevada.

25 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtors fail to make any
 26 payments as stated in this Order, or fail to maintain the regular monthly payments on Secured Creditor's

12/30/2009 20:26 newark and newark

(FAX)7028882526

P.004/004

1 Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file and serve upon
 2 Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of Condition. For each
 3 such Declaration Re Breach of Condition filed, there shall be assessed an attorney fees of \$100.00, to be
 4 paid by the Debtors upon any reinstatement. If upon the sixteenth (16th) day Debtors have failed to cure
 5 the delinquency, then Secured Creditor may submit to this Court an Order vacating the automatic stay as to
 6 Secured Creditor, and Secured Creditor may thereafter proceed with foreclosure proceedings upon the
 7 subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete
 8 possession thereof.

9

10 Submitted by:

11 WILDE & ASSOCIATES

Gregory L. Wilde #10099

12 /S/GREGORY L. WILDE

13 By _____

14 GREGORY L. WILDE, ESQ.
15 Attorneys for Secured Creditor
16 208 South Jones Boulevard
17 Las Vegas, Nevada 89107

18 APPROVED AS TO FORM & CONTENT:

19 Rick A. Yarnall

20 By Rick A. Yarnall 1-25-10

21 Narrah F. Newark

22 By Narrah F. Newark23 Rick A. Yarnall
24 Chapter 13 Trustee
25 701 Bridger Avenue #820
26 Las Vegas, NV 8910123 Narrah F. Newark
24 Attorney for Debtors
25 2300 W. Sahara #500, Box 34
26 Las Vegas, NV 8910227 Nevada Bar No. 2763

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13 Phoenix, Arizona 85016
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEVADA

22 In Re:

23 Ronald Williams and Adrienne Williams

24 Debtors.

08-11871-lbr

MS Motion No.

Date:

Time:

Chapter 13

25
26
CERTIFICATE OF MAILING OF
DECLARATION RE BREACH OF CONDITION

27 1. On 7/12/10 I served the following documents(s):

28 DECLARATION RE BREACH OF CONDITION

29 2. I served the above-named document(s) by the following means to the persons as listed below:

30 X a. ECF System

1 Narrah F. Newark
2 Bk@nbklaw.com
3 Attorney for Debtors

4 Rick A. Yarnall
5 ecfmail@lasvegas13.com
6 Trustee

7 **X b. United States mail, postage fully prepaid:**

8 Ronald Williams and Adrianne Williams
9 3757 Tiffin Court
10 Las Vegas, NV 89129
11 Debtors

12 c. Personal Service (List persons and addresses. Attach additional paper if necessary)

13 I personally delivered the document(s) to the persons at these addresses:

14 1. For a party represented by an attorney, delivery was made by handing the
15 document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge
16 by leaving the document(s) in a conspicuous place in the office.

17 N/A

18 2. For a party, delivery was made by handing the document(s) to the party or
19 by leaving the document(s) at the person's dwelling house or usual place of abode with someone
20 of suitable age and discretion residing there.

21 N/A

22 d. By direct mail (as opposed to through the ECF System)

23 (*List persons and email addresses. Attach additional paper if necessary*)

24 Based upon the written assignment of the parties to accept service by email or a court order. I
25 caused the document(s) to be sent to the persons at the mail addresses listed below. I did not
26 receive, within a reasonable time after the transmission, any electronic message or other
 indication that the transmission was unsuccessful.

27 e. By fax transmission (*List persons and fax numbers. Attach additional paper if necessary*)

28 Based upon the written assignment of the parties to accept service by fax transmission or
29 a court order. I faxed the document(s) to the persons at the fax numbers listed below. No error

1 was reported by the fax machine that I used. A copy of the record of the fax transmission is
2 attached.
3

4 f. By messenger (*List persons and addresses. Attach additional paper if necessary*)
5

6 I served the document(s) by placing them in an envelope or package addressed to the
7 persons at the addresses listed below and providing them to a messenger for service.
8 (*A declaration by the messenger must be attached to this Certificate of Service*).
9

10 I declare under penalty of perjury that the foregoing is true and correct.
11

12 Signed on: 7/12/10 Jamie Miller
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